

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

JENELL B. MOORE,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-20-01025-PRW
)	
CORRECTIONAL OFFICER)	
RODRIGUEZ, Federal Bureau of Prisons)	
(individual capacity),)	
)	
Defendant.)	

ORDER

On November 12, 2020, United States Magistrate Judge Gary M. Purcell issued a Report and Recommendation (Dkt. 5) recommending dismissal without prejudice of this action for failure to pay the \$400.00 filing fee, for failure to comply with this Court's Order to Plaintiff to Cure Deficiency (Dkt. 4), and for failure to prosecute his action. The Magistrate Judge advised Plaintiff that he had a right to object to the Report and Recommendation (Dkt. 5) by December 2, 2020, and that failure to make a timely objection would waive any right to appellate review of the dismissal.

Now it is December 8th, and Plaintiff has so far failed to object or otherwise cure the procedural deficiency. Therefore, Plaintiff has waived further review of the issues addressed in the Report and Recommendation (Dkt. 5).¹

¹ *Olivera v. Cate*, No. 5:14-cv-00162-D, 2016 WL 1436694, at *1 (W.D. Okla. Apr. 11, 2016) (citing *Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991); *United States v. 2121 E. 30th Street*, 73 F.3d 1057, 1060 (10th Cir. 1996)).

Upon *de novo* review, the Court:

- (1) **ADOPTS** the Report and Recommendation (Dkt. 5) issued by the Magistrate Judge on November 12, 2020; and
- (3) **DISMISSES WITHOUT PREJUDICE** Plaintiff's action for failure to comply with the Magistrate Judge's Order to Plaintiff to Cure Deficiency (Dkt. 4) and for failure to prosecute this action.

IT IS SO ORDERED this 8th day of December, 2020.



PATRICK R. WYRICK
UNITED STATES DISTRICT JUDGE